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# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Water Rights

JERRY D. OLDS  
State Engineer/Division Director

July 9, 2008

To The **Duchesne** Strawberry Storage Water Users:

Re: DELIVERY OF CUWCD STORAGE WATER

Over the past few years, there has been some confusion regarding the role of the water commissioner in the delivery of CUWCD storage water and the communication that should exist between the water users and the water commissioner. This letter is written to clarify and give direction regarding those issues.

The water commissioner's responsibility is to deliver water, either natural flow water or storage water, at the point of diversion where the water leaves the natural channel and enters the water users' ditches, canals, or pipelines. The water users, either the company or the individual water users, are responsible for the distribution of water along the ditch, canal or pipeline.

To eliminate confusion and promote effective communication between the commissioner and the water users, the water commissioner will communicate with only one contact person from each diversion. This contact person will be the representative for all the water users on the diversion regarding delivery of both natural flow water or storage water. If water users have questions or concerns they should contact their representative; any water users other than the representative, who contact the commissioner will be referred back to the diversion representative. In most cases it seems the best choice as diversion representative would be the ditch, canal, or pipeline water master. The representative who is selected for each diversion should contact the commissioner as soon as possible to inform him they are the diversion representative and to give him their contact information, both phone number and e-mail address. E-mail is a very effective communication tool and the water commissioner will use it extensively to provide regulation and distribution information.

There are two methods for delivering CUWCD storage water. Under one method, the water users agree to have the commissioner start to deliver storage water as soon as the natural flow of the river drops to keep their delivery flow up to the flow allowed in the duty schedule. Under the other method, the commissioner waits to deliver storage water until it is specifically called for by the water users. Either method will work, however, the water commissioner can accommodate only one method for each diversion. The water users at each diversion must reach an agreement among themselves and inform the commissioner which method they prefer for the delivery of storage water. If the water users do not inform the commissioner of the preferred method, the commissioner will deliver storage water only when it is specifically called for by the diversion representative.



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Subject: Delivery of CUWCD Storage Water

There is another clarification that needs to be made regarding the delivery of storage water. The Order of Distribution, signed by Judge John Anderson on March 10, 2008 states in part:

“The Duchesne River Commissioner is to distribute all surface waters that contribute to the Duchesne and Strawberry River System, including storage, according to the Distribution Schedule prepared by the State Engineer ...”

Therefore, once the duty schedule has been implemented, the water commissioner cannot deliver storage water that would cause the diversion flow to exceed the duty schedule set forth in the court order, even if the additional storage water is specifically requested by the water users.

In an effort to assist the water users in tracking the use of storage water and to provide other pertinent information regarding the regulation of water on the Duchesne / Strawberry Distribution System, the Division of Water Rights is developing a specific page on its website dedicated to this purpose. The page is currently under development, when it is completed it will be accessed by following the links described below:

Go to the Division website at [www.WaterRights.utah.gov](http://www.WaterRights.utah.gov)

On the left hand menu click on Distribution / Flow Records

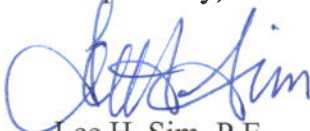
On the left hand menu click on Distribution Systems

On the left hand menu click on Notices and Priority Cuts

From the list of Distribution Systems click on Duchesne-Strawberry

If you have any questions regarding this letter, please contact Mike Silva, Distribution Engineer, by phone at 801-538-7430 or by e-mail at [MikeSilva@utah.gov](mailto:MikeSilva@utah.gov) or Bob Leake, Regional Engineer, by phone at 435-781-5327 or by e-mail at [RobertLeake@utah.gov](mailto:RobertLeake@utah.gov).

Respectfully,



Lee H. Sim, P.E.

Assistant State Engineer for Field Services

cc: Bob Leake, Regional Engineer  
Mike Silva, Distribution Engineer  
John Swasey, Water Commissioner